



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, AZ 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS MARICOPA COUNTY, ARIZONA

(and the Boards of Directors of the Flood Control District, Library District, Stadium District, Improvement Districts and/or Board of Deposit)

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**Wednesday, May 20, 2009
9:00 AM**

1. INVOCATION

Mateo Perea, St. Vincent de Paul, gave the invocation.

2. PLEDGE OF ALLEGIANCE

John Powers, Director, Environmental Services, led the assemblage in the Pledge to the flag.

3. ROLL CALL

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, May 20, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

BOARD OF SUPERVISORS

The Clerk read the following statement at the Chairman's request.
The Board has previously expressed concerns about the adversarial positions that the county attorney's office has often taken against the Board. This concern has caused the Board to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. The County Attorney's Office is in attendance to advise the Board as they proceed with the meeting. In light of the stated concerns, the Board in no way waives any conflict or ethical issues that exist as a result of the county attorney's presence.

4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL

Aprille Hollis introduced two-month-old, Cocoa, a lab mix puppy she said should not get very big. Cocoa's "show-biz celebrity appearance" at this meeting lowers the cost to adopt her today to only \$85. She is already spayed so this cost includes her surgery, license fee and rabies vaccination. For more information call 602-506-7387.

PRESENTATION and ACTION

Air Quality

5. KIDS FOR CLEAN AIR MASCOT CONTEST WINNER

Present an award to the winner for Kids for Clean Air Mascot Contest, and accept the donation from KORE Bicycle Industries, Inc. of a new BMX bicycle on behalf of the Air Quality Department.

The Air Quality Department ran a Kids for Clean Air Mascot Contest as part of its campaign to raise awareness of air quality issues in Maricopa County. Kara Lanese, a 6th grader at Desert Sage Elementary School, was chosen as the winner of the contest for her drawing of mascot "Cory the Cloud." There were more than 300 drawings submitted in the contest. The Board and the Air Quality Department would also like to thank KORE Bicycle Industries, Inc. for donating a new BMX bicycle to the contest winner. (C-85-09-017-9-00)

Lawrence Odle, Director, Air Quality, spoke of methods being used to expand the public education program designed to enlist their help in achieving improved air quality in the Valley. Today's award highlights one of the outreach programs used in schools to heighten awareness in children. This was for children from kindergarten through 6th grade who drew their idea of the perfect mascot and had 300 entries from various schools county-wide. Cory the Cloud was the winning mascot, drawn by a sixth grader, Kara Lanese. Chairman Wilson presented Kara with a memento of her winning entry.

Supervisor Wilcox expressed her delight that the children have been brought into this program saying that children lead us in the fight against so many things, citing, smoking, drugs and alcohol. She congratulated Kara and her family for taking an active stance in this battle.

Supervisor Brock thanked Kara for her interest and involvement commenting on how close her design was to one the professionals had completed.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

STATUTORY HEARINGS

Clerk of the Board

The Clerk announced the three Planning cases on the agenda were to be continued and Darren Gerard would explain so those in attendance for those items could leave the meeting if they chose.

Darren Gerard, Deputy Planning and Development Director, said the first item on the Planning Agenda, CPA200802, would be continued to the June 17, 2009, agenda to allow completion of necessary paperwork and meetings with the city.

Agenda items #2, CPA2008113, and #3, Z2009110, would be continued indefinitely on a request from the applicant, and would be re-advertised and re-posted at the proper time. Complete information on these cases is given in the Planning and Zoning section of these minutes.

Motion to continue these three items to the times given by Mr. Gerard, by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

6. LIQUOR LICENSE APPLICATIONS

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. SPECIAL EVENT FOR ST. STEVENS CATHOLIC CHURCH

Pursuant to A.R.S. §4-203.02, approve a Special Event Liquor License Application filed by Fr. Pierre Hissey for the St. Stevens Catholic Church at 24827 S. Dobson Road, Sun Lakes, AZ 85248 to be held on May 29, 2009 from 5:00 p.m. to 9:00 p.m. (Supervisory District 1) (C-06-09-406-L-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Wilcox, Wilson
Nays: Brock
Absent: Stapley

Public Works

7. ROAD FILE DECLARATIONS

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

a. ROAD FILE NO. A375

Road File No. A375, said alignment is also known as 7th Avenue, from Honda Bow Road to Cavalry Road, located in Supervisor District 3. (C-91-09-148-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

b. ROAD FILE NO. 5812

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-147-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

c. ROAD FILE NO. 5813

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-150-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

d. ROAD FILE NO. 5814

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-151-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

e. ROAD FILE NO. 5815

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-149-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

f. ROAD FILE NO. 5816

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-152-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

g. ROAD FILE NO. 5817

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-154-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

h. ROAD FILE NO. 5818

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-153-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

i. ROAD FILE NO. 5819

General Vicinity: Pinnacle Peak Road and 115th Avenue. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 4 (C-91-09-156-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

j. ROAD FILE NO. 5820

General Vicinity: Warner Road and Meridian Drive. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 1 (C-91-09-155-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

k. ROAD FILE NO. 5821

General Vicinity: Warner Road and Meridian Drive. This action is in accordance with A.R.S. Titles 28- 6701, 6705(A) and 11-806.01(M). Supervisor District No. 1 (C-91-09-157-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Superintendent of Schools

8. HEARING REGARDING OVEREXPENDITURE REQUEST BY SADDLE MOUNTAIN UNIFIED SCHOOL DISTRICT #90 FOR FY 2007-08

Conduct a hearing to determine whether to approve the petition from the School Governing Board of the Saddle Mountain Unified School District #90 requesting the authority to incur liabilities in excess of the budget pursuant to A.R.S. §15-907 in the amount of \$31,357.43. These legal fees were not originally accounted for in the school district's budget for FY 2007-08 as they were unexpectedly incurred due to unique circumstances, which exist at the school district.

The School Governing Board of the Saddle Mountain Unified School District #90 has petitioned Maricopa County Superintendent of Schools (MCSOS) to forward their petition with MCSOS recommendations to Maricopa County's Board of Supervisors requesting the authority to incur liabilities in excess of the budget pursuant to A.R.S. § 15-907. These unexpected legal fees were incurred in FY 2007-08 due to numerous items related to receivership, resignation of the superintendent, inter-governmental agreement with Palo Verde Elementary District, unemployment claims, governing board recall election, litigation with a construction contractor, and litigation by a former employee, among others. Also, these expenditures are not considered normal recurring costs for legal fees of a school district and have been incurred due to the unique circumstance, which exist at the district.

Therefore, it is the recommendation of the Superintendent of Schools to the Board of Supervisors for Maricopa County to approve the authority to incur liabilities in excess of the budget for FY 2007-08 pursuant to A.R.S. § 15-907. (C-37-09-015-M-00)

Motion to continue to the June 3, 2009, meeting, by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Clerk of the Court

9. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM

Approve an exception to the Technology Finance Program (TFP) to allow the Clerk of the Superior Court (160) to purchase six servers with required software and peripheral

equipment outright with one-time FY 2008-09 savings in the Clerk of the Superior Court's Judicial Collection Enhancement Fund (208) operating budget (0000). The hardware and software will be used to enhance the capacity, flexibility, and availability of the production servers hosting the primary applications and databases of the Clerk's Office.

The current production server system in the Clerk's Office is not configured or configurable to support an environment of load balancing or high availability that new WEB applications require. The new Cash Receipting application has need of several servers to afford load balancing, easy expansion, fail-over capacity, and is required to run on SQL 2005 versus the existing SQL 2000 database server. With the current WEB server limitations and the need for Hot Site redundancy, additional server capacity is necessary for the mission critical Cash Receipting application. The purchase of the SQL 2005 database servers and blade servers will provide increased capacity and flexibility to handle several new applications and provide the necessary server flexibility and redundancy. (C-16-09-006-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Sheriff

10. IGA WITH DPS CONCERNING ILLEGAL IMMIGRATION AND HUMAN SMUGGLING

Approve an intergovernmental agreement (IGA) between Maricopa County, on behalf of the Sheriff's Office, that enhances law enforcement services concerning illegal immigration and human smuggling by providing increased funding to MCSO as intended by Law 2009, Chapter 1, 1st Special Session, Section 2. This agreement provides up to \$1.6 million of funding to investigate, disrupt, or deter crimes relating to illegal immigration and human smuggling and takes effect upon the signature of the parties and a copy is filed with the Arizona Secretary of State and ends June 30, 2010.

A 15% in-kind match is met through Sheriff's Office-wide efforts that contribute to the success of this program's objectives. The Sheriff's Office indirect cost rate for FY 2009 is 12.2% and this funding does not support indirect costs. The total unrecoverable indirect costs are \$195,200. This funding provides for fifteen new positions-one lieutenant, two sergeants, and twelve deputies and supporting supplies and equipment to accomplish the task, which includes vehicle leases. This item was continued from the April 1, 2009 meeting. (C-50-09-064-M-00)

A number of members from Maricopa Citizens for Safety and Accountability (MCSA) spoke to protest approval of this Intergovernmental Agreement that would provide additional funding to the Sheriff's Office to fight illegal immigration and human smuggling. Concerns were expressed on questionable means and methods that could or would be employed in the enforcement of this law and of the resulting fear generated in Latinos. MCSA members felt the money should be used for different things, and Board Members were urged to vote no.

Those registering to speak included Randy Parraz, Andrew Sanchez, Mateo Perea, Alicia Contreras, Stan Hemry, Dana Kennedy, David Martinez, Grace Daniels, Teo Argueta, Jorge Mendoza, Briana Murillo, Kristy Theilen, Alex Gomez, Raquel Teran, and Pedro Falcon.

Chairman Wilson expressed his appreciation of those who came to express their opinions. He explained that many people living in his district, Sun City, are totally dependent on Sheriff's Deputies for law enforcement as there is no police force in those

areas of the County that are unincorporated and these residents have also expressed their views to him.

Supervisor Wilcox expressed concerns she felt with regards to this matter. She said former Governor Napolitano had recalled the original funding because the monies were being misused by the Sheriff's Office. Ms. Wilcox said the funds had been intended to only be used to find and fight violent crime and criminals. The misuse has sparked an investigation by the Department of Justice who is investigating charges of racial profiling. She believed if this IGA is approved the Sheriff will use the monies to hire more deputies and the racial profiling will only increase. She indicated that lawsuits have been filed against the County and more lawsuits are being considered and the resulting settlement of these cases would be tremendous and take many resources from other parts of County government.

Motion was made by Supervisor Wilcox to not accept the \$1.6 million dollars. Motion died for lack of a second.

Supervisor Kunasek pointed out that there is also a reign of terror with the human smuggling operations and drop houses operating in the Valley. He said his understanding is that these funds would be used to find and apprehend these kinds of criminals. He believed there would be oversight on how these monies from the State are spent as a result of the federal investigation.

Chairman Wilson commented on the vote saying neither he, nor anyone, should let terror or intimidation influence the vote on this matter. He felt it is important to listen to both sides and then try to do what is right. He said he would support the motion to approve, "but not because the Sheriff is investigating me."

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilson
Nays: Wilcox
Absent: Stapley

11. AGREEMENT WITH ARIZONA CRIMINAL JUSTICE COMMISSION FOR CONTINUED FUNDING FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA ARIZONA DRUG INTELLIGENCE TASK FORCE

Approve the Agreement and acceptance of \$73,454.00 in continued grant funding from the Arizona Criminal Justice Commission for the High Intensity Drug Trafficking Area (HIDTA) Arizona Drug Intelligence Task Force. The term of this Agreement (HT19-09-0212) is January 1, 2009 through December 31, 2010.

The Sheriff's Office indirect cost rate for FY09 is 12.2%; the unrecoverable indirect cost associated with this grant is \$8,961.39. (C-50-09-069-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

12. IGA WITH THE CITY OF TEMPE FOR PARTICIPATION IN COPS METH INITIATIVE-OVERTIME

Approve the Intergovernmental Agreement (IGA) between the Maricopa County Board of Supervisors acting on behalf of the Maricopa County Sheriff's Office and the City of Tempe, an Arizona Municipal Corporation for the Tempe Police Department for reimbursement of

overtime costs. The amount designated for overtime reimbursement will not exceed \$20,000. The term of this Agreement is April 1, 2009 through August 31, 2009.

The Sheriff's Office indirect cost rate for FY2009 is 12.2%. The City of Tempe is a subrecipient of grant funds therefore indirect costs are not applicable (\$2,440). The Sheriff's Office is the administrating agency for the Community Oriented Policing Services (COPS) Methamphetamine Initiative Program grant, which was approved by the Board of Supervisors on October 31, 2007 (C-50-08-533-3-00). (C-50-09-070-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

13. AGREEMENT WITH ARIZONA CRIMINAL JUSTICE COMMISSION FOR CONTINUED FUNDING FOR HIGH INTENSITY DRUG TRAFFICKING AREA

Approve the Agreement and acceptance of \$385,262.00 in continued grant funding from the Arizona Criminal Justice Commission for the High Intensity Drug Trafficking Area (HIDTA). The term of this Agreement (HT19-09-1113) is January 1, 2009 through December 31, 2010.

The Sheriff's Office indirect cost rate for FY 2008-09 is 12.2%; the unrecoverable indirect cost associated with this grant is \$47,001.96. (C-50-09-071-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

14. COST REIMBURSEMENT AGREEMENT WITH FEDERAL BUREAU OF INVESTIGATION FOR INTERNATIONAL TERRORISM OPERATIONS SECTION ONE-JOINT TERRORISM TASK FORCE

Approve the Cost Reimbursement Agreement between the Maricopa Sheriff's Office and the Federal Bureau of Investigation (FBI) of up to \$23,448.00, whereby one deputy will be assigned to the International Terrorism Operations Section One (ITOS), Joint Terrorism Task Force (JTTF). The FBI will notify the Sheriff's Office of the applicable annual limits prior to October 1st each year.

This Agreement will become effective upon signatures of the parties and may be terminated at any time upon mutual consent, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date. The Sheriff's indirect cost rate for FY2009 is 12.2%; the unrecoverable indirect costs are estimated to be \$2,860.66. (C-50-09-072-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

15. SOLE SOURCE PURCHASE OF GRANT FUNDED HARRIS KINGFISH SYSTEM

Approve the Sole Source purchase a Mini-PC Controller and Controller Software for the KingFish Dual-Mode System from the Harris Wireless Products Group. This Sole Source Contract Serial 09041-SS is in the amount of \$89,300. The Contract also provides for training classes. The contract is for a term of one year, beginning May 20, 2009 and ending May 19, 2010. There is an option to extend the term of this contract up to an additional four

years or on a month-to-month basis for a maximum of six months. The Contractor must be notified in writing at least thirty day prior to the expiration of the original contract.

Also, approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to purchase the necessary hardware and software for the KingFish System.

This Sole Source contract is in the amount \$89,300. Ongoing support, if applicable, will be funded through HIDTA (High Intensity Drug Trafficking Area). The funding for the KingFish System was initially approved by the Board on April 1, 2009 under C-50-07-546-3-02. (C-50-09-073-3-00)

Loretta Barkell explained technical aspects of this item and Supervisor Kunasek clarified that these are listening devices to use with drug traffickers.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

16. ADDITIONS TO RICO FLEET, EXEMPTION FROM MARKINGS AND ISSUANCE OF NON-GOVERNMENTAL LICENSE PLATES

Approve a onetime addition to the County's Sheriff's Office designated RICO fleet of two (2) 2004 vehicles that were seized in HIDTA investigations and each awarded to the Sheriff's Office under order of forfeiture and remission in the Superior Court of the State of Arizona.

Per A.R.S. § 38-538.03, also approve exemptions from markings and issuance of non-government license plates because these vehicles will used in conducting undercover investigations.

The annual operation and maintenance of these vehicle is estimated to be \$5,000 each, to be supported by RICO funds. These vehicles will be retired when they are no longer of use to the Sheriff's Office and disposed of according to applicable regulations with no funding from the general fund for replacement. (C-50-09-074-M-00)

Supervisor Wilcox said the Board has asked questions but received little information from departments, including the Sheriff's, on what these cars are being used for. She asked that this item be continued until requested information is supplied. She wanted to receive reports from the departments to show that all the cars are justified due to the huge expense involved.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilson
Nays: Wilcox
Absent: Stapley

17. EXEMPTION FROM MARKINGS AND ISSUANCE OF NON-GOVERNMENT LICENSE PLATES

Approve per A.R.S. 38-538.03 exemptions from markings and the issuance of non-government license plates for two vehicles purchased with grant funds (C-50-09-004-G-00) that will be used for enforcement disaster preparedness assignments where governmental anonymity is required to accomplish the mission. These vehicles are #31908, a white 2009 Ford 350 and #31909, a white 2009 Ford 350. (C-50-09-076-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Superintendent of Schools

18. EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR THE SCHOOL DISTRICT VISIONS SYSTEM UPGRADE

Approve an exception to the Technology Finance Program (TFP) that allows the Maricopa County Superintendent of Schools Office (MCSOS) to proceed with the purchase of nine Citrix servers, two SQL servers and three SAN solutions for the School District Visions system upgrade. The estimated cost of these servers is approximately \$180,000. This one-time purchase will be funded by remaining SNFS Funds and National Forest Fees Funds.

These servers will be tracked separately from Maricopa County Superintendent of Schools' (MCSOS) equipment that is included in the TFP with no automatic replacement from the general fund at the end of their useful lives. (C-37-09-020-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

TRIAL COURTS

Adult Probation

19. EXCEPTION TO TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF ADULT PROBATION DESKTOP COMPUTER

Approve an exception to the Technology Finance Program (TFP) to allow the Adult Probation Department to purchase one desktop computer through a one-time expenditure of funds in the Adult Probation grant fund (211). The total cost is estimated not-to-exceed \$1,100.

Adult Probation receives the Access to Recovery grant through the Arizona Governor's office. Recently, due to an increase in workload, this grantor approved an additional position to function as a case manager and a desktop computer for this position to be funded by this grant. (C-11-09-004-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Justice Courts

20. LEASE AGREEMENT WITH BUTTRUM SUNDANCE CROSSINGS, LLC FOR ESTRELLA MOUNTAIN (BUCKEYE) JUSTICE COURT

Approve a new triple net lease agreement L-7407 with Buttrum Sundance Crossings, LLC (Lessor) for an 11,462 rentable square foot Estrella Mountain (Buckeye) Justice Court facility at the Sundance Crossing project located at 21765 West Yuma Road in Buckeye as a replacement site for the current court facility at Buckeye Town Hall.

The Lessor shall provide the County with 6 months of free rent if the lease agreement is executed prior to June 1, 2009. The term of the lease commences upon beneficial occupancy which is projected on or about November 1, 2009, and expires 60 months after the beneficial occupancy date. The lease agreement provides two (2) five-year renewal options. The annual lease expenses for base rent and operational & maintenance expenses are estimated as follows: Lease Year 1 at \$192,617; Lease Year 2 at \$295,638; Lease Year 3 at \$324,917; Lease Year 4 at \$346,497; Lease Year 5 at \$365,091. As part of the lease agreement, the Lessor shall provide to the County four (4) reserved parking spaces and fifty-eight (58) unreserved parking spaces for the County use. The County shall reimburse the Lessor for the county's proportionate share of CAM charges. The one-time cost of tenant improvements will be funded from Justice Courts Special Revenue Fund (245) fund balance in the FY 2009-10 budget. Lease costs will be absorbed within the existing Justice Courts' operating budget appropriation. (C-24-09-006-1-00)

Supervisor Wilcox said Buckeye asked her about this item dealing with the County's vacating the building they are in, wanting to know if the motor vehicle portion would move with the courts.

Dennis Lindsey, Real Estate Manager, said Buckeye is looking forward to obtaining the extra office space. The motor vehicle department is with the State.

Supervisor Kunasek asked why the lease amount increases in year two.

Mr. Lindsey replied it is because in the first year, there are at least four months of free rent, possibly six months, depending on the move-in date.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Superior Court Judges and Commissioners

21. APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE

Pursuant to A.R.S. §12-141, approve the appointment of Superior Court Commissioner Susan G. White as Superior Court Judge Pro Tempore for the period commencing May 20, 2009 through June 30, 2009 and for the period commencing July 1, 2009 through June 30, 2010.

In order to obtain greater flexibility in the use of Court Commissioners, the Superior Court customarily has all Court Commissioners appointed as Superior Court Judges Pro Tempore so they may, on occasion, hear contested matters. This serves the interest of judicial economy and promotes sound caseload management. Superior Court Commissioner Susan G. White would serve as Pro Tempore without any additional compensation other than that to which she is entitled to as a Superior Court Commissioner. The appointment will be for the period commencing May 20, 2009 through June 30, 2009 and for the period commencing July 1, 2009 through June 30, 2010. (C-80-09-015-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

22. GRANT FROM STATE JUSTICE INSTITUTE FOR STUDY OF CASE FLOW MANAGEMENT IN CHILD MALTREATMENT CASES

Accept a FY 2008-09 grant and associated revenue from the State Justice Institute (SJI) for the Superior Court of Arizona in Maricopa County (Court) in the amount of \$29,990. The Court will provide an in-kind match of General Fund (100) amount of \$12,000 and a cash match of Superior Court Special Revenue Fund (259) amount of \$3,000 which the department will absorb in the FY 2008-09 expenditure appropriation. These funds will be used to conduct a study on the case flow management of child maltreatment cases. The grant will cover the cost associated with professional consultants for the study. The indirect costs (based upon a rate of 38.6% certified by the Dept. of Finance) of \$11,576 are not fully recoverable from the funding, as the grant does not allow for indirect cost recovery. The term of the grant will be from January 1, 2009 through July 1, 2009.

With funding from the State Justice Institute (SJI), the Court, through the office of the Court Administrator, would contract with the National Center for State Courts (NCSC) to conduct a study of Caseflow and case management in child maltreatment cases. The National Center is uniquely qualified to provide this technical assistance given its 35 year history of working with state and local court systems on an array of issues, its familiarity with the Maricopa County court system through numerous projects over the years, and the expertise and experience of its professional staff of consultants. (C-80-09-011-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

COUNTY MANAGER

Crime Prevention - Meth Program

23. GRANT FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FORMULA PROGRAM - LOCAL SOLICITATION

1. Approve and accept grant funding through the American Recovery and Reinvestment Act of 2009, through the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program - Local Solicitation in the amount of \$10,536,695 from United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to Maricopa County through the following departments: County Manager/Justice System Planning and Information, Adult Probation, County Attorney, Juvenile Probation, and Sheriff's Office. Programs and services to be funded include: part-time contract grant administrator; expansion of Community Restitution Program; Gun Prosecution; community supervision through Juvenile Probation Officers; Parcel Interdiction; and Maricopa County Neighborhood Narcotics Enforcement Team (MCNNET).

2. Approve a Memorandum of Understanding (MOU) between Maricopa County, the Cities of Avondale, Chandler, El Mirage, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe, Tolleson, Surprise and the Towns of Buckeye, Gilbert, and Youngtown. This MOU is required pursuant to the grant application requirements. This MOU also includes a negotiated reallocation to Maricopa County of \$1,477,760 and \$9,058,935 in funds to be reallocated to the Cities and Towns as follows: Avondale - \$272,479; Chandler - \$433,610; El Mirage - \$43,893; Glendale - \$740,863; Goodyear - \$56,197; Mesa - \$1,095,332; Peoria - \$159,778; Phoenix - \$5,494,118; Scottsdale - \$9,500; Tempe - \$510,423; Tolleson - \$32,920; Surprise - \$57,194; Buckeye - \$21,614; Gilbert - \$117,214; and Youngtown -

\$13,800. Grant awards are to be expended within a four (4) year period of time, starting March 1, 2009 and ending not more than 48 months later. The JAG grant does allow up to 10 percent of the award for costs associated with administering JAG funds, and Maricopa County has been designated as the fiscal agent for this consortium of municipalities.

3. Approve the waiver of indirect costs above 10% of funding allocated to County Departments (County Manager/Justice System Planning and Information, Adult Probation, County Attorney, Juvenile Probation and Sheriff's Office). County/Manager/Justice System Planning and Information will receive a total of \$100,000; at their indirect rate of 16.5%, their indirect costs are \$15,000.00 of which \$9,090.91 is recoverable and \$5,909.09 is unallowable/waived. Adult Probation will receive a total of \$344,440; at their indirect rate of 9.1%, their indirect costs are \$28,729.64 all of which is allowable. The County Attorney's Office will receive a total of \$344,440; at their indirect rate of 14.0%, their indirect costs are \$43,837.82 of which \$31,312.73 is recoverable and \$12,525.09 is unallowable/waived. Juvenile Probation will receive a total of \$344,440; at their indirect rate of 32.1%, their indirect costs are \$100,513.85 of which \$31,312.73 is recoverable and \$69,201.12 is unallowable/waived. Sheriff's Office will receive a total of \$344,440; at their indirect rate of 12.2%, their indirect costs are \$38,201.53 of which \$31,312.73 is recoverable and \$6,888.80 is unallowable/waived. Total indirect costs are \$226,282.84 of which \$131,758.74 is recoverable and \$94,524.10 is unallowable/ waived. Indirect costs over 10% are being waived so that a majority of the grant funding can be sub-granted to partner agencies, per the Memorandum of Understanding. (C-42-09-009-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Legal Advocate

24. EXEMPTION TO THE POST EMPLOYMENT (RETIREMENT) HEALTH PLAN ENHANCEMENT PROGRAM (RHEP/PEHP)

Approve an exemption to the Post Employment (Retirement) Health Plan Enhancement Program (RHEP), approved by the Board on March 16, 2009 and allow Attorney-Capital Lead Counsel position 00019588 to remain an active position in the Office of the Legal Advocate. The Office of the Legal Advocate requests an exemption to the RHEP requirement that positions vacated as a result of program participation be inactivated.

Also, approve an exemption to the RHEP to allow the Office of the Legal Advocate to utilize the full hiring range to place the attorney selected to fill position 00019588 at the appropriately mapped rate. The potential range for the position is \$42.26/Hour to \$64.15/Hour, based on the hiring range for Attorney-Senior positions with the additional Special Management Assignment pay associated with the lead capital attorney role (\$17,500/yr).

Position 00019588, in the Office of the Legal Advocate, will be vacated as a result of the current employee's participation in the 2009 Retirement Health Enhancement Program. The position attributes are as follows:

MRT: ATTORNEY – CAPITAL LEAD COUNSEL
Status: Classified
Budgeted Rate: \$61.15

Legal representation is mandated for defendants charged in felony cases, including capital murder cases. Therefore, any cases that would have previously been handled by the retiring

attorney in the Office of the Legal Advocate will have to be assigned somewhere in Indigent Representation. The other two staffed offices handling capital cases are already operating at capacity. Any additional capital cases will have to be assigned to outside contract counsel if the Office of the Legal Advocate is not able to rehire for the Attorney–Capital Lead Counsel position (00019588). The contractor attorney rate for capital representation is \$125 per hour for lead attorneys. Therefore, allowing the Legal Advocate to recruit and fill this position will produce a cost savings to the Indigent Representation System as a whole, and probably within the Office (depending on the range placement of the attorney selected).

Due to the impending retirement of an Attorney–Capital Lead Counsel, the department expects to achieve personnel savings for FY 2009-10. Assuming a Senior-Attorney at mid-range is found to fill this position, this will result in an estimated \$23,081 in savings as required under the 2009 Retirement Health Enhancement Program. (C-55-09-002-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Legal Defender

25. EXEMPTION TO THE POST EMPLOYMENT (RETIREMENT) HEALTH PLAN ENHANCEMENT PROGRAM (RHEP/PEHP)

Approve an exemption to the Post Employment (Retirement) Health Plan Enhancement Program (RHEP), approved by the Board on March 16, 2009 and allow Director-Legal Defense position 00015412 to remain an active position in the Office of the Legal Defender. The Office of the Legal Defender requests an exemption to the RHEP requirement that positions vacated as a result of program participation be inactivated.

Also, approve an exemption to the RHEP to allow management of Indigent Representation to utilize the full hiring range (\$52.07 to \$79.92) to recruit the Legal Defender (Director) position (00015412) and fill at a rate approved through the normal County process.

The Director for the Office of the Legal Defender is retiring under the 2009 RHEP program. This position is responsible for overall management and direction as well as planning, directing, implementing, and achieving department strategic goals and objectives for the Legal Defender's Office and therefore must be filled as soon as possible.

Assuming the position is filled at mid-point, this will result in an estimated savings of \$23,039 as required under the 2009 Retirement Health Plan Enhancement Program. Since the Office of the Legal Defender has already achieved \$244,007 in budgetary reductions in the General Fund for FY 2010, no further reductions are required at this time. (C-54-09-001-6-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Office of the County Manager

26. RESOLUTION FOR TRIBAL GAMING FUNDS THROUGH THE AK-CHIN INDIAN COMMUNITY FOR VETERANS ASSISTANCE SUBSIDY

Pursuant to A.R.S. §5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Ak-Chin Indian

Community for Schools, Inc. Veterans Assistance Subsidy (VAS) program in an amount not-to-exceed \$75,000 for FY2009-FY2010. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Ak-Chin Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

Pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets not-to-exceed \$75,000.

Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

The U.S. Department of Veterans Affairs (VA) provides many programs and services on behalf of veterans. This project seeks to augment and expand on this program by extending eligibility criteria, thereby allowing additional veterans to obtain vital services during this time of economic downturn. (C-20-09-049-G-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Public Defender

27. EXEMPTIONS FROM MARKINGS AND ISSUANCE OF NON-GOVERNMENT PLATES

Pursuant to A.R.S. §38-538.03, approve exemptions from markings, including the issuance of non-governmental license plates for one existing vehicle designed for the Office of the Public Defender. The Public Defender's Office requests that the designated department vehicle #72007 be classified as unmarked so that it may be exempt from County decals and government plates. This vehicle will be used primarily for felony case investigation, witness interviews, and crime scene investigations. The nature of these activities requires the vehicles be unmarked. (C-52-09-002-M-00)

Supervisor Wilcox asked if this was part of the study being done to assure exemptions from markings are justified.

David Smith replied that the markings would be studied but that was not one of the bigger issues, which are the justification of use, the cost and whether that cost is being used towards things the County needs as the employer. He added that markings are significant to the extent that they discourage improper use of a government-owned vehicle.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Public Fiduciary

28. EXEMPTION TO THE POST EMPLOYMENT HEALTH PLAN ENHANCEMENT (RETIREMENT) PROGRAM

Approve exemptions to the Post Employment Health Plan Enhancement (Retirement) Program (PEHPEP), approved by the Board on March 16, 2009 and allow the five positions listed below to remain active in the Office of the Public Fiduciary.

MRT Title MRT STATUS PCN Hiring Range
MIN MID MAX
Director and Public Fiduciary
Unclassified 0001748 37.56 52.49 67.41
Estate Administrator Classified 0001749 17.04 22.29 27.53
Estate Administrator Classified 0012912 17.04 22.29 27.53
Estate Operations Supervisor
Classified 0001750 23.03 29.34 35.65
Intake Investigator Classified 0001720 17.04 27.53 27.53

Also, approve an exemption to the PEHPEP to allow the management of Indigent Representation to utilize the full hiring range to recruit the Public Fiduciary (Director) position, 0001748, and fill at rate approved through normal County processes.

The Office of the Public Fiduciary anticipates a budget savings of approximately \$145,569 as a result of this request. This amount includes some funding which was promised as part of Budget Balancing Initiative #11 (\$56,638). Since the Public Fiduciary has achieved \$324,406 in budgetary reductions in the General Fund for FY 2009-10, no further reductions are required at this time. (C-34-09-002-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

DEPUTY COUNTY MANAGER

Employee Health Initiatives

29. AMEND POST EMPLOYMENT HEALTH PLAN ELIGIBILITY

Approve the following information to clarify what the Post Employment Health Plan (PEHP) allows regarding eligibility and to further inform eligible employees who are eligible for the plan. This information clarifies that all eligible employees in the PHEP include Maricopa County employees and Judicial Branch employees in Maricopa County who meet all of the following criteria listed:

- Officially retire from Maricopa County or the Judicial Branch in Maricopa County as verified by the appropriate state retirement system on or after Jan. 1, 2007 and will receive a pension from the appropriate state retirement system;
- Have filed the appropriate documentation for retirement with the appropriate state retirement system; and

•Have a minimum of 1,000 hours of accrued Family/Medical (sick) Leave at the time of retirement.

This action makes no changes to the documents for participation in the Post Employment Health Plan as approved by the Board on February 2, 2007 (C-375-07-013-1-00).

A Post Employment Health Plan Information sheet (amended on May 5, 2009) is on file with the Office of the Clerk of the Board. (C-35-07-013-1-01)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Management and Budget

30. AMEND POST EMPLOYMENT HEALTH PLAN ENHANCEMENT PROGRAM

Amend Agenda C-49-09-050-6-01 to modify the attached Program language to clarify that Judicial Branch employees in Maricopa County are eligible for this program. (C-49-09-050-6-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Public Health

31. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR FARMERS MARKET NUTRITION PROGRAM

Approve Amendment No. 1 to the Intergovernmental Agreement (IGA) Contract No HG861331 between Arizona Department of Health Services (ADHS) and Maricopa County by and through Department of Public Health for the Farmer's Market Nutrition Program. Amendment No. 1 replaces the Price Sheet of the original contract with a revised Price Sheet for a total funding amount \$1,375 for budget period March 1, 2009 through February 28, 2010. This amendment also makes administrative changes to the Special Terms and Conditions. The term for this IGA is March 1, 2008 through February 28, 2011. All other terms and conditions of the original IGA remain unchanged and in full force and effect.

The Department of Public Health indirect rate is 18%. Full indirect costs are estimated at \$210 and are fully recoverable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation

Funds for this IGA are provided by a grant from ADHS and do not increase the County's general fund. (C-86-08-052-2-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

32. GRANT AWARD FROM HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR SOUTH PHOENIX HEALTHY START PROGRAM

Approve the Notice of Grant Award (No. H49MC00174) from the Department of Health and Human Services Health Resources and Services Administration (HRSA) to Maricopa County by and through the Department of Public Health's South Phoenix Healthy Start Program for eliminating disparities in perinatal health. This grant award provides funding in the amount of \$400,000 for budget period February 1, 2009 through January 31, 2010.

The Department of Public Health's indirect rate for FY 2009-10 is 18%. HRSA allows for only 10% indirect costs for this grant. Full indirect costs are estimated at \$65,454 of which \$36,363 is recoverable and \$29,090 is unrecoverable.

Funding for this agreement is provided by the Grant from HRSA and will not increase the County general fund budget. (C-86-02-165-2-15)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

33. AMENDMENT TO IGA WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) between Maricopa County Community College District and Maricopa County by and through its Department of Public Health to provide tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment changes the expiration date of the IGA from May 1, 2009 to June 30, 2009. All other terms and conditions of the original Agreement shall remain in full force and effect.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-09-060-3-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

34. GRANT FOR THE FIRST THINGS FIRST - ORAL HEALTH NORTH AND SOUTH PHOENIX AND SOUTHWEST MARICOPA GRANT

Approve the grant application and Application Amendment No. 1 to Arizona Early Childhood Development and Health Board, First Things First (FTF-MULTI-10-0069-00) by the Department of Public Health for the First Things First's Oral Health grant for the North and South Phoenix, and Southwest Maricopa Regional Partnership Councils. If awarded, the amount will not exceed \$263,000 for the budget term beginning September 1, 2009 through June 30, 2010. Funding amount is tentative pending the approved grant award upon acceptance by the First Things First designee. This contract can be renewed by First Things First on a year to year basis for a total two year and 10 month term.

Also, authorize the Chairman to sign all documents related to these grant funds, as applicable.

This grant deviates from County policy A2505 and does not allow for full indirect cost reimbursement, but a maximum of 10% indirect cost reimbursement. The Department of

Public Health's indirect rate for FY 2009-10 is 18%; therefore \$23,909 is allowable and \$19,127 is unallowable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. (C-86-09-070-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

35. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR IMMUNIZATION SERVICES

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) (No. HG854288) between the Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health to provide immunization services. Amendment No. 1 revises the Price Sheet to reflect an increase in the rate per visit, and makes administrative changes to the contract. The budget period is January 1, 2009 through December 31, 2009. The term for this IGA is January 1, 2008 through December 31, 2012. All other terms and conditions of the original IGA shall remain in full force and effect.

Funding for this agreement is provided by a Grant from ADHS and will not increase the County general fund budget. (C-86-08-056-2-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

36. RESCIND ACTION AND CANCEL INTERAGENCY AGREEMENT WITH ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Rescind the action on February 2, 2009 (C-86-09-050-3-00) and thereby cancel the Interagency Agreement with Arizona Department of Environmental Quality (ADEQ) and Maricopa County by and through the Department of Public Health (MCDPH), to conduct screening for diagnosis of, referrals for treatment, and education for air quality related medical conditions and diseases. This termination is due to the cancellation of the Interagency Agreement by ADEQ; the agreement was never fully executed. (C-86-09-050-3-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

37. AMENDMENT TO IGA WITH THE CITY OF PHOENIX FOR CHILDHOOD IMMUNIZATIONS

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) between The City of Phoenix by and through the Phoenix Fire Department and Maricopa County by and through the Department of Public Health's Community Health Nursing Program (CHN) for childhood immunizations. Amendment No. 1 increases funding by \$60,000 for a total funding amount not-to-exceed \$330,000 for the three-year term, beginning May 16, 2007 through May 31, 2010. This amendment also makes administrative changes to Section I, General Provisions of the IGA. All other terms and conditions of the original IGA shall remain in full force and effect.

The increase in contract award would allow Phoenix Fire Department to spend up to \$150,000 in FY 2008-09. Funding for this IGA is provided by a grant from Arizona Department Health Services, and will not affect the County general fund. (C-86-07-057-2-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

38. RESCIND AND CANCEL THE IGA WITH ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS: ARIZONA DIVISION OF EMERGENCY MANAGEMENT

Rescind the action taken by the Board of Supervisors on February 25, 2009 (C-86-09-055-3-00) and thereby cancel the Intergovernmental Agreement (IGA) with Arizona Department of Emergency and Military Affairs: Arizona Division of Emergency Management (ADEM); Preparedness Section and Maricopa County through its Department of Public Health (MCDPH) Public Health Emergency Management Program (PHEM) for training and exercise delivery. This termination is due to a request from PHEM. This IGA was never fully executed. (C-86-09-055-3-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

39. PROCUREMENT CHANGE ORDER FOR IGA WITH ADHS FOR THE NEWBORN INTENSIVE CARE PROGRAM

Approve the Procurement Change Order No.1 to Purchase Order (E9H26831) for Intergovernmental Agreement (IGA) (HP461413-004) between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health (MCDPH) for the Newborn Intensive Care Program. This Procurement Change Order decreases funding in the amount of \$89,426, for a new not-to-exceed amount of \$761,575 for budget period July 1, 2008 through June 30, 2009. All other terms and conditions of the original IGA shall remain in full force and effect.

The Department of Public Health's indirect rate for FY 2008-09 is 18%. Grant indirect costs are fully recoverable, however the estimated indirect expense amount is reduced from \$129,813 to \$116,172.

Funding for this agreement is provided by a grant from ADHS and will not impact the County general fund budget.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Grant reimbursements are on a per unit rate as per agreement price sheet. (C-86-05-024-2-08)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

40. IGA WITH THE ARIZONA BOARD OF REGENTS BY AND THROUGH THE UNIVERSITY OF ARIZONA FOR TRAINING DELIVERY

Approve the Intergovernmental Agreement (IGA) with The University of Arizona, Board of Regents and Maricopa County through its Department of Public Health (MCDPH) Public Health Emergency Management Program (PHEM) for training delivery. This IGA is in the

amount not-to-exceed \$55,000 and will be effective upon execution by both parties until August 9, 2009.

This IGA will be absorbed within PHEM budget for the grant year ending August 9, 2009. (C-86-09-067-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

41. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR PROP 201 EDUCATION AND COMPLIANCE ACTIVITIES

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) between Arizona Department of Health Services (ADHS) (HG854527) and Maricopa County through the Department of Public Health for PROP 201 Education and Compliance Activities (Prop 201) in accordance with the Smoke Free Arizona Act. Amendment No. 1 replaces the Price Sheet of the original contract with no change in funding amount. This amendment also makes administrative changes. The term of this IGA is July 1, 2008 through June 30, 2013. The budget period is July 1, 2008 to June 30, 2009.

Funding for this IGA is provided by a grant from ADHS and does not increase the County general fund budget. (C-86-09-015-G-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

42. CONTRACT AWARD FROM ARIZONA DEPARTMENT OF HEALTH SERVICES FOR MARICOPA COUNTY HEALTHY COMMUNITIES PROGRAM

Approve Award for Contract No HQ953297 between Arizona Department of Health Services (ADHS) and Maricopa County by and through Department of Public Health to provide funding for Maricopa County Healthy Communities (MCHC) program. The contract term will commence on date of award and continue for nine months, May 5, 2009 through February 5, 2010, or until the contract amount of \$50,000 is spent, whichever comes first, thereafter, unless terminated, canceled or extended. (Although, the contract amount is \$50,000, Maricopa County intends on expending only \$48,000 within the nine month period.)

The Department of Public Health indirect rate is 18%. Full indirect costs are estimated at \$7,322 and are fully recoverable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funds for this contract are provided by a grant from ADHS and do not increase the County's general fund. (C-86-09-073-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Workforce Management and Development

43. PROPOSAL FOR REVISION TO COUNTY POLICY HR2403, "REDUCTIONS IN FORCE," TO ADD FURLOUGH LANGUAGE FOR BOTH CLASSIFIED AND UNCLASSIFIED EMPLOYEES

Approve the proposed amendment to County Administrative policy HR2403, "Reductions in Force," to add a new section permitting the furlough of classified, unclassified and contract employees, with rules and requirements applicable to such furloughs. In order to avoid inconsistent language between and among the Maricopa County Employee Merit System Resolution and Rules, the Maricopa County Employee Leave Plan, and Maricopa County policy HR2403, "Reductions in Force and Furloughs," this proposed amendment excludes any language conferring limited appeal rights to employees affected by a furlough pending further consideration of this issue by the Maricopa County Employee Merit Commission.

Amend HR2403 to include the following language applying to and permitting the furlough of classified, unclassified and contract employees:

1. Change title of Policy to "Reductions in Force and Furloughs."
2. Amend Section I., "Purpose," by revising paragraph A to specify that this policy, which previously only addressed reductions in force, also establishes the rules and required procedures for the furlough of classified, unclassified and contract employees of Maricopa County.
3. Amend Section I., "Purpose," by revising paragraph B to require that departments notify the Director, Workforce Management & Development, as soon as a decision has been made to furlough department employees.
4. Amend Section I., "Purpose," by revising paragraph D to clarify that, without the express approval of the County Manager, the RIF provisions of this policy apply only to classified employees.
5. Amend Section II. by adding new paragraph E., which defines a "Furlough" as "mandatory unpaid leave imposed on classified employees by a department facing a severe financial crisis. A furlough may be imposed as an alternative to, or in conjunction with, a Reduction in Force. Furloughs shall not be treated as suspensions or involuntary demotions for purposes of Rule 10 ("Appeals") of the Employee Merit System Rules." Renumber the remaining definitions in Section II.
6. Amend Section III. by adding a new paragraph F., which requires that a department seeking to undertake a furlough in addition to a Reduction in Force shall incorporate the business justification for the furlough in the RIF Justification Memorandum.
7. Add new Section VII, "Furloughs," which provides as follows:

"VII. FURLOUGHS.

A. Furloughs are another means of accomplishing a budget reduction initiative brought on by a budget deficit or shortfall. A furlough is mandatory unpaid leave of one or more days, and is not a reduction in the compensation or hourly rate of pay of an employee. The provisions of this Section VII apply to classified, unclassified and contract employees.

B. Furloughs should be used as a secondary measure to accomplish a budget reduction when a reduction in force would so significantly impact a department's work force that the

department would no longer be able to effectively perform its mandated or primary functions.

1. To the extent possible, furloughs and reductions in force contemplated as part of a budget reduction initiative should be addressed in a department's budget proposal submitted to the Office of Management and Budget (OMB) for the forthcoming fiscal year. All tentative department budgets will be submitted to the Board for approval. Every department contemplating a furlough or reduction in force of its employees must comply with any related OMB budget policies, but must at a minimum provide a written explanation why furloughs are necessary, either in addition to, or instead of reductions in force, and must identify all market range titles in the department that will be subject to the proposed furlough requirements. In applicable situations, a department shall include its written furlough justification with its RIF justification memorandum.

C. The following rules apply to the furloughs of County employees:

1. An employee on furloughed status shall accrue leave and, where appropriate, is still eligible for holiday pay if a furlough is taken before or after a holiday, or for other paid time off.

2. Employees subject to a furlough will not at a later time be compensated for their unpaid furlough days.

3. The furlough of any County employee who is exempt from the wage and hour requirements of the Fair Labor Standards Act (FLSA) shall be managed in a manner that is consistent with the provisions of the FLSA and with the provisions of any other state or federal laws that may apply. Departments should require FLSA exempt employees to take furlough days over the least number of work weeks as possible.

4. Employees are not to perform any work for the County whatsoever while they are on furlough status."

Backup provided with this agenda item shows all current, proposed changes (in red font) in the context of the current policy, as well as proposed changes deferred (in blue font) pending a future decision of the Merit Commission. (C-31-09-014-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

44. CHANGES TO MARICOPA COUNTY EMPLOYEE MERIT SYSTEM RESOLUTION AND MERIT RULES TO ESTABLISH RULES FOR THE FURLOUGH OF CLASSIFIED EMPLOYEES

Approve changes to Maricopa County Employee Merit System Resolution to add new paragraph 4.K. defining furloughs as mandatory unpaid leave imposed on classified employees as the result of a budget deficit or shortfall; establishing that a furlough may be imposed as an alternative to, or in conjunction with, a Reduction in Force (see Merit Rule 9.02); stating that furloughs are not suspensions or involuntary demotions under Section 16 ("Employee Appeals") of the Merit System Resolution; and renumbering all subsequent definitions.

Approve Changes to Rule 1 of the Maricopa County Employee Merit System Rules to add new paragraph 1.27 defining a "Furlough," as mandatory unpaid leave imposed on classified employees as the result of a budget deficit or shortfall; establishing that a furlough may be

imposed as an alternative to, or in conjunction with a Reduction in Force (see Merit Rule 9.02); stating that furloughs are not suspensions or involuntary demotions under Rule 10 ("Appeals") of the Maricopa County Employee Merit System Rules; and renumbering all subsequent definitions.

Approve changes to Rule 8 of the Maricopa County Employee Merit System Rules by changing title of Rule to "Transfers, Promotions, Reassignments, Demotions and Furloughs," and by adding new Section 8.05, "Furloughs," which addresses procedures, requirements and rules for the imposition of mandatory unpaid leave for classified employees.

On May 6, 2009, the Maricopa County Employee Merit Commission approved changes to the Maricopa County Employee Merit System Resolution and Merit System Rules to add rules and provisions for the furlough of classified employees, except for proposed changes that would have conferred limited appeal rights to employees affected by a furlough requirement. With respect to the changes addressing the limited appeal rights of furloughed employees, the Merit Commission deferred approval pending further consideration. The Director, Workforce Management & Development, recommends approval of the following changes approved by the Merit Commission during its formal meeting on May 6, 2009:

1. Approve changes to Maricopa County Employee Merit System Resolution to add new paragraph 4.K. defining furloughs as mandatory unpaid leave imposed on classified employees as the result of a budget deficit or shortfall; establishing that a furlough may be imposed as an alternative to, or in conjunction with, a Reduction in Force (see Merit Rule 9.02); stating that furloughs are not suspensions or involuntary demotions under Section 16 ("Employee Appeals") of the Merit System Resolution; and renumbering all subsequent definitions.

2. Approve Changes to Rule 1 of the Maricopa County Employee Merit System Rules to add new paragraph 1.27 defining a "Furlough," as mandatory unpaid leave imposed on classified employees as the result of a budget deficit or shortfall; establishing that a furlough may be imposed as an alternative to, or in conjunction with a Reduction in Force (see Merit Rule 9.02); stating that furloughs are not suspensions or involuntary demotions under Rule 10 ("Appeals") of the Maricopa County Employee Merit System Rules; and renumbering all subsequent definitions.

6. Approve changes to Rule 8 of the Maricopa County Employee Merit System Rules by changing title of Rule to "Transfers, Promotions, Reassignments, Demotions and Furloughs," and by adding new Section 8.05, "Furloughs," which addresses procedures, requirements and rules for the imposition of mandatory unpaid leave for classified employees.

Backup provided with this agenda item shows proposed changes previously approved by the Merit Commission and submitted for approval by the Board, as well as proposed changes deferred for further consideration by the Merit Commission. (C-31-09-015-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

45. PROPOSAL FOR APPROVAL OF CHANGES TO MARICOPA COUNTY EMPLOYEE LEAVE PLAN TO ESTABLISH RULES FOR THE FURLOUGH OF COUNTY EMPLOYEES

Approve the following changes to the Maricopa County Employee Leave Plan ("Leave Plan") to add provisions for the furlough of County employees. These changes are proposed in

tandem with the following other items on this same Board agenda: (1) C-31-09-014-6-00 proposing changes to HR2403 (Reductions in Force), that will add a section addressing the furlough of classified and unclassified employees; and (2) C-31-09-015-6-00 proposing changes to the Maricopa County Employee Merit System Resolution and Rules 1, 8 and 10, which were previously approved by the Merit Commission during its formal meeting on May 6, 2009, except for proposed changes that would have conferred limited appeal rights to employees affected by a furlough requirement. With respect to the changes addressing the limited appeal rights of furloughed employees, the Merit Commission deferred approval pending further consideration.

Approval is recommended for the following proposed changes to the Leave Plan:

1. Approve change to Section III. "Definition," to add new paragraph K. defining a furlough as "mandatory unpaid leave imposed on classified, unclassified, initial probationary, contract and temporary employees as the result of a budget deficit or shortfall"; establishing that a furlough may be imposed as an alternative to, or in conjunction with, a Reduction in Force (see HR2403); stating that furloughs are not suspensions or involuntary demotions under Section 16 ("Employee Appeals") of the Merit System Resolution; and renumbering all subsequent definitions.

2. Approve change to Section IV., "Maricopa County Employee Leave Plan," identifying two types of unpaid leave, including the new, "Furlough Day Off."

3. Approve change to Section VIII., by changing the heading to "OTHER PAID LEAVES OF ABSENCE."

4. Approve addition of new Section IX, entitled "UNPAID LEAVES OF ABSENCE," and of new paragraph IX.B, which addresses procedures, requirements and rules for the imposition of mandatory unpaid leave (Furlough Day Off or FDO) for County employees.

"B. Furlough Day Off (FDO). A furlough (coded by payroll as "furlough day off" or "FDO") is mandatory unpaid leave of one or more days imposed by departments to accomplish a budget reduction initiative brought on by a budget deficit or shortfall. A furlough is not a reduction in the compensation or hourly rate of pay of an employee.

1. Every department contemplating the imposition of furlough days off must comply with the provisions of HR2403, "Reductions in Force and Furloughs," and with any related OMB budget policies. At a minimum, departments must provide a written explanation why furloughs are necessary, must quantify the anticipated savings that will be realized, and must identify all market range titles in the department that will be subject to the proposed furlough requirements.

2. The following rules apply to the furloughs of County employees:

a. An employee on furloughed status shall accrue leave and remain eligible for holiday pay even if a furlough day off is taken on the day before or the day after a holiday, and will remain eligible for other paid time off, as appropriate.

b. Employees subject to a furlough will not at a later time be compensated for their unpaid furlough days off.

c. Furlough time shall be taken in full work day increments except that residual mandatory furlough time of less than a full work day may be taken at one time.

d. The furlough of any employee who is exempt from the wage and hour requirements of the

Fair Labor Standards Act (FLSA) shall be managed in a manner that is consistent with the provisions of the FLSA and with the provisions of any other state or federal laws that may apply. FLSA-exempt employees and their departments shall ensure that furlough days off for FLSA-exempt employees occur over as few work weeks as possible.

e. Employees are not to perform any work for the County whatsoever while they are on furlough status.”

6. Renumber former paragraph VIII.H., “SPECIAL APPOINTMENT,” to Section X.

7. Renumber subsequent Section IX, “REINSTATEMENT,” to XI.

Backup provided with this agenda item shows proposed changes within the text of the current Leave Plan. The Merit Commission’s ultimate action on the deferred limited appeal provisions in the Merit Rules may require the submission of additional proposed changes to the Board. (C-31-09-016-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care & Control Services

46. DONATION FROM DESTINATION RESTAURANTS INC

Accept the monetary donation from Iguana Mack’s of Destination Restaurants, Inc, located in Chandler, AZ in the amount of \$1,500 for the care of the animals.

Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-096-D-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

47. AMENDMENT TO IGA WITH THE CITY OF PHOENIX FOR FIELD ANIMAL CONTROL SERVICES

Approve Amendment No. 1 to Intergovernmental Agreement (IGA) C-79-08-006-2-00 between City of Phoenix and Maricopa County Animal Care and Control, for the purpose of reducing services provided and the costs associated with the services beginning fourth quarter FY 2008-09. This Amendment becomes effective upon recordation with the Maricopa County Recorder and remains in effect until June 30, 2012. (C-79-08-006-2-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Human Services

48. AMENDMENT TO IGA WITH CITY OF AVONDALE FOR OPERATION OF THE COMMUNITY ACTION PROGRAM

Approve Amendment No. 2 to the Agreement between the City of Avondale and Maricopa County administered by its Human Services Department (C22-08-066-2-00) in the amount of \$116,762 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$116,762. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2010, and Maricopa County (upon final approval of the County's FY 2010 budget) and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-066-2-02)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

49. AMENDMENT TO IGA WITH TOWN OF GUADALUPE FOR OPERATION OF THE COMMUNITY ACTION PROGRAM

Approve Amendment No. 2 to the Agreement between the Town of Guadalupe and Maricopa County administered by its Human Services Department (C-22-08-071-2-00) in the amount of \$84,157 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$84,157. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2010, and Maricopa County (upon final approval of the County's FY 2010 budget) and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-071-2-02)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

50. AMENDMENT TO CONTRACT WITH FOUNDATION FOR SENIOR LIVING FOR COMMUNITY ACTION PROGRAM SERVICES

Approve Amendment No. 2 to the Contract between Foundation for Senior Living, a not-for-profit organization, and Maricopa County administered by its Human Services Department (C-22-08-075-1-00) in the amount of \$118,047 for Peoria CAP and \$83,408 for Wickenburg CAP totaling \$201,455 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$201,455. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2010, and Maricopa County (upon final approval of the County's FY 2010 budget) and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-075-1-02)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson

Absent: Stapley

51. MEMORANDUM OF UNDERSTANDING WITH REHOBOTH COMMUNITY DEVELOPMENT CORPORATION

Approve the Memorandum of Understanding (MOU) between Rehoboth Community Development Corporation and Maricopa County administered by its Human Services Department to establish Rehoboth Community Development Corporation as an Access Point.

An Access Point is defined as a faith-based or community based organization that will provide community residents with a location where job seekers can access abbreviated One Stop Career Center services. This MOU is non-financial and is effective upon signature by both parties and will expire June 30, 2011. (C-22-09-142-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

52. ADMINISTRATIVE CORRECTION TO CONTRACT WITH ARIZONA COMMUNITY ACTION ASSOCIATION

Approve an Administrative Correction to action taken on September 3, 2008 (C-22-09-098-3-00) that approved a contract agreement with Arizona Community Action Association for utility repair/replacement and bill assistance. The contract agenda item incorrectly stated the dollar amount of \$327,605 rather than \$356,647. The program delivery cost in the amount of \$29,042 was not included in the direct service amount and therefore was not included in the approved action on September 3, 2008. This correction changes the total contract amount from \$327,605 to \$356,647. All other terms and conditions of the Contract remain in full force and effect. (C-22-09-098-3-02)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

53. CONTRACT WITH CATHOLIC CHARITIES COMMUNITY SERVICES FOR HEAD START/EARLY HEAD START SERVICES

Approve a Contract between Catholic Charities Community Services and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$7,127,017. This Contract is funded by a grant from U.S. Department of Health and Human Services/Administration for Children and Families/Office of Head Start, (C-22-09-134-G-00). The purpose of this Contract is to provide Head Start and Early Head Start services in the western part of the County. This Contract is effective from July 1, 2009 until June 30, 2010.

Maricopa County has been the Grantee Agency for the provision of Head Start and Early Head Start services in Maricopa County, outside the City of Phoenix, since 1965. Services for Western Maricopa County have been provided by Catholic Charities Community Services, and the organization is designated by U.S. Department of Health and Human Services (DHHS) as a Delegate Agency of Maricopa County's Head Start Zero-Five Program. Catholic Charities' Head Start/Early Head Start program provides comprehensive child development and family support services to 1,077 low-income children and their families (82 children aged 0-3 years and 995 children aged 3-5 years). At least ten percent of the program participants are required to be children with disabilities. Services include early childhood education and development, health, nutrition, social services, parent

involvement, disabilities, and behavioral health services. Reimbursable funding is limited to the amount allocated by the DHHS on an annual basis and when notified of funding availability (Federal Financial Assistance Award). The contract requires Catholic Charities to provide a 25 percent match (non-federal share). There is no long-term commitment on the part of the County to operate this program. This contract does not include any County general funds. (C-22-09-145-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

**54. MEMORANDUM OF UNDERSTANDING WITH GREATER PHOENIX SCORE®
“COUNSELORS TO AMERICA’S SMALL BUSINESS”**

Approve the Memorandum of Understanding (MOU) between Greater Phoenix SCORE® “Counselors to America’s Small Business” (SCORE) and Maricopa County administered by its Human Services Department, Maricopa Workforce Connections (MWC) to have SCORE co-located in the MWC One Stop Career Centers. This MOU is non-financial and is effective upon signature by both parties and will expire June 30, 2011. (C-22-09-146-3-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

**55. AMENDMENT TO CONTRACT WITH CATHOLIC CHARITIES COMMUNITY SERVICES
TO REIMBURSE EXPENSES**

Approve Amendment No. 1 to a Contract between Catholic Charities Community Services (AKA delegate) and Maricopa County through the Human Services Department in the not-to-exceed amount of \$7,128,267. This amendment is funded by a grant from U.S. Department of Health and Human Services (DHHS)/Administration for Children and Families (ACF)/Office of Head Start (OHS), 09CH7096. The purpose of this amendment is to increase the original contract amount by \$1,250 to cover expenses incurred by the delegate for staff training at the Dual Language Institute, October 28-31, 2008 in Washington DC. This amendment is effective from July 1, 2008 to June 30, 2009. All other terms and conditions of the Contract remain in full force and effect. The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation.

Maricopa County requested \$2,500 in reimbursement of expenses for the both the grantee and delegate to attend the OHS Dual Language Institute, October 28-31, 2008 in Washington DC. OHS granted the reimbursement and \$1,250 is allocated to reimburse the delegate for expenses. Both programs’ Education Supervisors attended the Institute. (C-22-09-060-1-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

**56. AMENDMENT TO IGA WITH TOWN OF BUCKEYE FOR OPERATION OF THE
COMMUNITY ACTION PROGRAM**

Approve Amendment No. 2 to the Agreement between the Town of Buckeye and Maricopa County administered by its Human Services Department (C-22-08-067-2-00) in the amount of \$97,834 for the contract period July 1, 2009 through June 30, 2010.

This is an expenditure contract to a sub-recipient with a total grant award amount of \$97,834. The expenditures from this contract are reimbursed under revenue from the Department of Economic Security (C-22-06-016-3-00), upon receipt of a fully executed Agreement with DES for FY 2010, and Maricopa County (upon final approval of the County's FY 2010 budget) and will impact the County general fund budget. All other terms and conditions of the original contract remain in full force and effect. (C-22-08-067-2-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

57. TERMINATION OF SOFTWARE LICENSE AGREEMENT WITH TRAPEZE SOFTWARE GROUP, INC.

Approve the Termination of the Agreement with Trapeze Software Group, Inc. and Maricopa County by and through the Department of Human Services for Special Transportation Services (STS). The effective date of termination for this IGA is June 30, 2009.

The Board of Supervisors directed the Office of Management and Budget to include the annualized impact of the FY 2008-09 expenditure and revenue adjustments, along with other expenditure and revenue adjustments, in the FY 2009-10 Recommended Budget as listed in Exhibit A. (C-49-09-036-2-03). The anticipated reduction of \$503,403 in general funds for the Human Services Department would result in the elimination of the STS program for FY 2009-10.

Notification to terminate this Agreement will be sent to Trapeze Software Group, Inc. as required by the Agreement. (C-22-01-109-M-04)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

58. TERMINATION OF AGREEMENT WITH ARIZONA WOMAN'S EDUCATION AND EMPLOYMENT INC FOR SPECIAL TRANSPORTATION SERVICES WORKLINKS

Approve the Termination of the Agreement with AWEE and Maricopa County by and through the Department of Human Services for Special Transportation Services (STS). The effective date of termination for this IGA is June 30, 2009.

The Board of Supervisors directed the Office of Management and Budget to include the annualized impact of the FY 2008-09 expenditure and revenue adjustments, along with other expenditure and revenue adjustments, in the FY 2009-10 Recommended Budget as listed in Exhibit A. (C-49-09-036-2-03). The anticipated reduction of \$503,403 in general funds for the Human Services Department would result in the elimination of the STS program for FY 2009-10.

Notification to terminate this Agreement will be sent to AWEE as required by the Agreement. (C-22-08-109-3-02)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

CHIEF FINANCIAL OFFICER

Finance

59. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

60. TERMINATION OF IGA WITH THE TOWN OF BUCKEYE

Authorize termination of Intergovernmental Agreement (IGA) G-30105, which was originally approved under C-70-00-106-2-01, with the Town of Buckeye to allow Maricopa County's use of the Town of Buckeye's court facilities and authorize the Maricopa County Real Estate Services staff to transmit a termination notice to the Town of Buckeye of IGA G-30105. (C-18-09-055-1-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Materials Management

61. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

a. 09003-RFP, UTILITY AUDIT AND COLLECTION SERVICES

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09003-RFP

Item: Utility Audit And Collection Services (\$1,000,000 estimate/three years until May 31, 2012, with three one year renewal option) To provide Utility Auditing, Collection and Consulting Services as required. This is contingency based contract with the contractor receiving a percentage of collections or savings from the County's utility providers.
Cost Control Associates Inc. (C-73-09-074-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

b. 08007-RFP, YOUTH PROGRAMS, WORKFORCE INVESTMENT ACT OF 1998

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: May 20, 2009

Serial: 08007-RFP

Item: Youth Programs, Workforce Investment Act Of 1998 (\$7,120,000 estimate /four years until June 30, 2013) To provide under the Workforce Investment Act of 1998 (WIA) workforce investment activities through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation." THIS IS A GEOGRAPHIC AWARD (3) FOR EAST VALLEY (VALLEY OF THE SUN UNITED WAY), WEST VALLEY (ARIOZNA CALL A TEEN) AND SPECIAL POPULATIONS (GOODWILL OF CENTRAL ARIZONA).

Arizona Call-A-Teen Youth Resources
Goodwill Of Central Arizona
Valley Of The Sun United Way (C-73-09-075-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

c. 09004-RFP, RAPID RESPONSE CONSULTANT WIA 1998

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09004-RFP

Item: Rapid Response Consultant WIA 1998 (\$500,000 estimate/three years until May 31, 2012, with three one year renewal option) Contract award for a rapid response consultant (Workforce Investment Act 1998) for the Human Services Department.

Leathers Milligan & Associates
Lee Hecht Harrison
Management Training Systems (C-73-09-076-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

d. 06011-C, TIRES AND SERVICE FOR ON-ROAD VEHICLES

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: May 20, 2009

Serial: 06011-C

Item: Tires And Service For On-Road Vehicles (\$2,700,000 estimate/three years until May 31, 2012) Price agreement renewal for a full line of tires and road service for passenger vehicles and light and heavy-duty trucks for the Maricopa County Equipment Services department.

Copperstate Tire Corporation
GCR Tire Center
Purcell Tire Company
Tire Pros
Redburn Tire Corporation (C-73-09-077-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

e. 08121-ITN, VOLUNTARY VEHICLE RETROFIT AND REPAIR PROGRAM

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 08121-ITN

Item: Voluntary Vehicle Retrofit and Repair Program (\$1,725,000 estimate/three years until May 31, 2012, with three one-year renewal option) Price agreement for the administrative services for the operation of a voluntary vehicle retrofit and repair program for the Maricopa County Air Quality Department.

Accurate Consulting Services (C-73-09-078-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

62. PEPSICO DONATION TO SUPPORT SMALL BUSINESS COMMUNITY

Approve the donation and acceptance of miscellaneous products from Pepsico for Materials Management's Small Business Enterprise Program (MCbiz). MCBiz conducts regular workshops for local entrepreneurs designed to provide training opportunities on relevant business topics including "Sustainable Operating Strategies" and "How to do Business with Maricopa County". Pepsico's donation of approximately \$2000 in product will be provided to workshop attendees.

The growth and expansion of the small business community is a national concern. Pepsico's support of MCBiz is a great example of the private/public partnerships that can occur around

a worthy cause. MCBiz is in its 3rd full year of operation and has been recognized as a partner by Arizona State University, SRP, and the National Football League. MCBiz is proud to add Pepsico, an international company, to its list of partners. (C-73-09-079-D-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Parks and Recreation

63. SPOT AWARD PROGRAM FOR PARKS AND RECREATION DEPARTMENT

Approve the continuation of a Spot Award Token Program as an employee recognition program for FY2009-2010, in accordance with Section X of the Maricopa County Compensation Plan, in addition to the American Express Peak Performer Program for Parks and Recreation Department. Estimated annual cost of the Spot Award Token Program is under \$350.00 and will be absorbed from non-general fund sources within the Department (Fund 241 and Fund 240). The Program will cover the period from July 1, 2009 through June 30, 2010.

Section X of the Maricopa County's Compensation Plan allows Appointing Authorities to provide recognition rewards to employees for exemplary performance, attendance or other types of job-related achievements. The purpose of the Parks and Recreation Department's Spot Award Token Program is to allow the Department to present direct, spot awards throughout the period of the Program to employees who have been recognized by their peers for excellent customer service or other types of job-related achievements. The Parks' Spot Award Token Program, initiated in Fiscal Year 2003, supplements the American Express Peak Performer Program for deserving employees, but expands that Program in that it provides recognition to a larger number of deserving employees through the awarding of smaller denomination American Express Gift Cards. The Department will purchase approximately 30-50 \$10 Gift Cards per year in support of this Program at a cost under \$350.00, utilizing non-general fund monies from enhancement and other special revenue funds. The Department would like to continue to use the Spot Award Token Program as a morale enhancement and will employ similar processes as are in place for the American Express Card Peak Performer Program to ensure compliance and accountability.

This Program is in alignment with the County's Strategic Priority 6: Maintain a quality workforce and equip County employees with the tools, skills, workspace, and resources they need to do their jobs safely and well. It is not in conflict with the American Express Card Peak Performer Program and is self-funded by the Department. (C-30-09-022-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

64. WAIVER TO DONATION POLICY A2508 FOR PARKS AND RECREATION DEPARTMENT

Approve a waiver for the Parks and Recreation Department to section C.2 of Policy A2508 Policy for Receiving Donations, requiring a monthly report of donated funds to the Board of Supervisors for fiscal year 2009-2010. According to section C.3 the Parks & Recreation department maintains a segregated Donation Fund approved annually by the Board during the budget cycle and therefore requests a waiver to the monthly reporting policy.

Per policy A2508, C.3. "Any Department that maintains a budgeted Donation fund may request an annual waiver to this policy utilizing the Board of Supervisors agenda process." Parks and Recreation Department maintains fund 243-Donations, strictly for the receipt of funds gifted to Parks & Recreation.

Public donations are used to support a variety of programs and services such as the desert fauna maintained for educational purposes, as well as supporting special events in the Parks for visitors. Donations received from development fees are used for major maintenance projects or towards capital improvement projects.

By August 1, 2010 Parks & Recreation will provide an annual report of all donations accepted during fiscal year 2009-2010 to the Board of Supervisors, the Clerk of the Board, Internal Audit and OMB. (C-30-09-023-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

65. UMBRELLA LICENSE AGREEMENT WITH THE MOTION PICTURE LICENSING CORPORATION TO SHOW MOVIES IN MARICOPA COUNTY PARKS

Approve an Umbrella Licensing Agreement with the Motion Picture Licensing Corporation in order to show movies in the Maricopa County Parks for one-year at four indoor locations at a cost not-to-exceed \$2,500. Funding for the program will be from the Parks & Recreation Department Enhancement Fund. (C-30-09-028-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

66. CREATE PARK MAINTENANCE WORKER POSITION FOLLOWING POST EMPLOYMENT HEALTH ENHANCEMENT RETIREMENT

Approve the creation of a classified position (General Maintenance Worker) in the Parks & Recreation Department Lake Pleasant Services Fund (240). This position request is necessary due to the fact that a current General Maintenance Worker (working title Park Maintenance Worker) is participating in the new Post Employment Health Enhancement (Retirement) Program (PEHEP) which requires that the current position (#01434) be eliminated. Creation of this position is necessary because Lake Pleasant Regional Park has a 24-hour per day, 7-day per week, 365-day per year operation with only five General Maintenance Worker positions to manage 14,000 acres of land, camp sites, day-use areas, shoreline and more. The department cannot operate without all of these positions.

Consistent with the policy, the new position will be recruited at or below the mid-point of the current market range, which will realize minimum required savings of \$6,550.96 annually over the retiring employee who is currently budgeted at the maximum of the range.

Position 1434, in the Parks & Recreation Department, was inactivated due to the previous incumbent's participation in the 2009 Retirement Health Enhancement Program. This position's current attributes are as follows:

MRT: General Maintenance Worker
Status: Classified
Budgeted Rate: \$19.68

Due to the nature of this position, the Parks & Recreation Department feels it necessary to replace position 1434 with a new position. The new position's attributes will be as follows:

MRT: General Maintenance Worker
Status: Classified
Budgeted Rate: \$16.53 (C-30-09-029-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Air Quality Department

67. AMENDMENT TO AGREEMENT WITH U.S. DEPARTMENT OF HOMELAND SECURITY

Approve Amendment No. 3 to an Agreement between U.S. Department of Homeland Security and Maricopa County through the Air Quality Department in the not-to-exceed amount of \$412,738. This amendment is funded by a grant from US Department of Homeland Security, 2006-ST-091-000003-04. The purpose of this amendment is to provide funding for an additional year. This amendment is effective from May 1, 2009 to April 30, 2010. All other terms and conditions of the Agreement remain in full force and effect.

Indirect costs of \$60,873 are fully recoverable at 17.3%, the FY09 Air Quality composite indirect rate.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S 42-17105.

Maricopa County Air Quality is responsible for the daily collection of the ambient air quality samples for the BioWatch Program within Maricopa County. The DHS has dedicated a portion of its budget to be used for funding under the "Homeland Security BioWatch Program: Field Operations & Sample Collection Activities". DHS has awarded funds to help establish and operate an air monitoring network designed to detect the release of biological agents. (C-85-06-025-3-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

68. AMENDMENT TO CONTRACT WITH ADEQ FOR TRIP REDUCTION PROGRAM

Approve Amendment No. 4 to a Contract between Arizona Department of Environmental Quality and Maricopa County through the Air Quality Department in the not-to-exceed amount of \$678,800. This amendment is funded by a grant from Arizona Department of Environmental Quality (ADEQ), EV06-0006. The purpose of this amendment is to reduce the amount of the award by \$269,775. This amendment is effective from July 1, 2008 to June 30, 2009. All other terms and conditions of the Contract remain in full force and effect.

The Department's FY2009 authorized indirect cost rate is 17.3%. All indirect costs are allowable and fully recoverable. (C-85-06-028-3-03)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Facilities Management

69. CHANGE ORDER TO GILBANE BUILDING COMPANY DESIGN PHASE SERVICES CONTRACT FOR COURT TOWER

Approve Change Order No. 5 to the Gilbane Building Company Design Phase Services Contract No. C-70-08-022-5-00 (FMD-07-041) in an amount not to exceed \$925,000, to add furniture design and move management for the Downtown Court Tower Project (No. 3325-07380). The Downtown Court Tower is located in District 5.

Change Order No. 5 adds scope to the existing contract to allow for the extensive furniture design and move management for the Downtown Court Tower Project. It was originally anticipated that this service would be handled by one of the three contracted firms for this project, but at the original time of contracting the Court Tower Team was uncertain as to which firm would provide the best service and product for the project and the County. The three firms, Gilbane Building Company, Gould Evans, and Parsons Technology were given the opportunity to vie for this scope of work. The Gilbane and Gould Evans firms teamed up to provide a comprehensive approach which complemented the work they were each already assigned. The team was selected by a committee of Public Works, Facilities Management Department and outside participants and was determined to be the best qualified to provide the best value for Maricopa County. (C-70-08-022-5-05)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

70. CONSTRUCTION MANAGER AT RISK WITH GILBANE BUILDING COMPANY FOR PRE-PURCHASE AND LONG-LEAD ITEM PROCUREMENT FOR COURT TOWER

Approve and authorize the execution of Construction Manager at Risk (CMR) GMP #4, Contract No. FMD-09-024 with Gilbane Building Company of Phoenix, Arizona, in an amount not-to-exceed \$63,000,000 to provide general construction services and to permit the procurement of long lead items to support the foundation, exterior skin, mechanical and conveyance systems for the Downtown Court Tower, Phoenix, Arizona, (FMD project #3325-07-380). This project is located in District 5.

GMP#4 - not-to-exceed \$63,000,000. The execution of the contract for GMP#4 will allow Gilbane Construction Company to accomplish the following general construction and early procurement:

- Foundations
- Concrete Flatwork
- Waterproofing
- Elevators and Escalators
- Superstructure
- Associated Misc. Metals

Egress Stair Structures
Underground Plumbing
Underground Electrical
Temp power scheme
Lightening protection
Grounding, feeder conduit
Trenching
Backfill
Selected early design-assist Special Systems Trade
Fire Protection
Precast Concrete Skin
Copper Exterior Metal Panel
Early Selected Design-assist Trade
Procurement of Copper Material Mill Order
Glass/Glazing and Associated Aluminum Framing System
Early Selected Design-assist Trade
Early Procurement MEP Equipment
Exterior System Mock-up Allowance
Phase II Courtroom Mock-up Allowance
Tower Crane and Man Hoist

This GMP package has been endorsed by the Facilities Review Committee. Staff concurs with this recommendation. (C-70-09-028-5-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Public Works

71. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-422-7-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

72. ZONING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the June 3, 2009 meeting. List is on file with the Clerk of the Board's Office. (C-44-09-138-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

CONSENT AGENDA

Clerk of the Board

73. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-09-415-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

74. MARKET RANGES

Pursuant to A.R.S §§11-251.38 and 251.51, approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-09-414-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

75. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors' meeting held February 19, 2009. (C-06-09-408-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

76. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-09-413-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

77. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor

and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-09-416-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

78. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated May 20, 2009. List is on file in the Clerk of the Board's Office. (C-06-09-420-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

79. STALE DATED WARRANTS

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-09-417-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

80. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-418-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

BOARD OF SUPERVISORS ADDENDUM

Assessor

A-1. ASSESSOR'S OFFICE POST EMPLOYMENT HEALTH ENHANCEMENT (RETIREMENT) PROGRAM POSITIONS

Approve the creation of four classified positions in the Assessor's Office. These position requests are necessary due to employees' participation in the Post Employment Health Enhancement (Retirement) Program (PEHPEP) which requires that their positions be eliminated. The Assessor's Office has redistributed workload in response to these retirements. The creation of these new positions is necessary because of current demand for services.

Also, direct the Office of Management and Budget to adjust the FY2009-10 budget accordingly to reflect the required savings.

The following positions in the Assessor's Office were inactivated due to the incumbent's participation in the 2009 Post Employment Health Enhancement (Retirement) Program (PEHPEP). The positions' current attributes are as follows:

PCN: 236
MRT: Appraiser
Status: Classified
Budgeted Rate: \$29.40

PCN: 262
MRT: Appraiser
Status: Classified
Budgeted Rate: \$26.59

PCN: 8382
MRT: Appraiser Supervisor
Status: Classified
Budgeted Rate: \$33.32

PCN: 10789
MRT: Appraiser Manager
Status: Classified
Budgeted Rate: \$34.26

Due to the nature of these positions, the Assessor's Office finds it necessary to replace the positions with new positions. The new positions' attributes will be as follows:

MRT: Appraiser
Status: Classified
Budgeted Rate: \$21.26

MRT: Development Services Technician
Status: Classified
Budgeted Rate: \$17.35

MRT: Appraiser Supervisor
Status: Classified
Budgeted Rate: \$28.70

MRT: Appraiser Manager
Status: Classified
Budgeted Rate: \$30.83

The Assessor's Department will achieve savings through creating and filling less costly positions. This will result in \$39,106 saved as required under the 2009 Post Employment Health Enhancement (Retirement) Program (PEHPEP). (C-12-09-003-M-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

Risk Management

A-2. J. CHRISTOPHER CAREY VS MARICOPA COUNTY

Approve settlement in the amount of \$ 1.4 million between Maricopa County and J. Christopher Carey, concerning US District Court case No. CV2005-2500 (Claim No.: GL 9002028844) and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. (This matter was discussed with the Board in Executive Session on May 12, 2009). (C-75-09-011-2-00)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to reconvene as the Board of Directors of various Districts.

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District convened in Formal Session at 9:00 AM on Wednesday, May 20, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-09-421-7-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

F-2. DECLARE EXCESS PARCEL APN #155-51-065

Pursuant to A.R.S. §48-3603, declare as excess parcel and authorize the Flood Control District of Maricopa County (District) to sell the parcel as described below, at public auction or in the event of sale to a municipality, at market value without an auction to reduce the District's liability and maintenance. Conveyance documents for the sale of the parcel will be presented to the District Board of Directors for acceptance and signature at the time of sale.

The parcel is located:

1. Lot 127. Bonnie Lea subdivision, near the NW corner of 18th Avenue and Turney, 1806 W Turney, Phoenix, AZ 85015. APN#155-51-065, FCD#FP044, 0.1760 +/-acres or 7,524 +/- Sq Ft. The parcel is located in a known flood plain.

The District utilizes its Disposition Program on all excess properties to evaluate them for the best potential of sales or leasing, depending on current market information. The sale price of the property will be determined by a certified licensed appraiser. This item is located in Supervisory District 3. (C-69-09-065-8-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

F-3. BUDGET ADJUSTMENT NO. 3 TO FY 2008-09 CIP BUDGET

Approve the following adjustments to the Flood Control District of Maricopa County (District) (690) FY 2009-2013 Five-Year Capital Improvement Program (CIP), which result in a net change of \$0:

Decrease Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project F022 – City of Chandler by \$10,000
Project F035 – Town of Guadalupe by \$5,000
Project F108 – Sossaman Road by \$30,000
Project F117 – South Phoenix Drainage Improvements by \$345,000
Project F121 – East Maricopa Floodway by \$743,000
Project F126 – Salt/Gila River by \$1,006,000
Project F201 – White Tanks Dam No. 4 by \$392,000
Project F202 – McMicken Dam by \$95,000
Project F211 – Buckeye/Sun Valley ADMP by \$47,000
Project F310 – Powerline Dam by \$100,000
Project F346 – Hassayampa River by \$10,000
Project F420 – Spook Hill ADMP by \$143,000
Project F442 – East Mesa ADMP by \$308,000
Project F470 – White Tanks ADMP by \$371,000
Project F491 – Higley ADMP by \$150,000
Project F565 – Durango ADMP by \$1,230,000
Project F620 – Maryvale ADMP by \$654,000
Project F700 – Floodprone Property Assistance Program by \$322,000

Increase Flood Control Capital Projects Fund (990) Year 1 (FY 2008-09) project expenditure budgets as follows:

Project Reserve (FCPR) by \$1,639,000
Project F027 – City of Scottsdale by \$16,000
Project F043 – Town of Queen Creek by \$35,000
Project F118 – Arizona Canal Diversion Channel by \$15,000
Project F207 – Buckeye FRS No. 1 by \$43,000
Project F300 – Spook Hill FRS by \$65,000
Project F331 – Saddleback FRS by \$20,000
Project F343 – Wickenburg ADMS by \$299,000
Project F371 – Upper New River by \$60,000
Project F450 – Glendale / Peoria ADMP by \$3,656,000
Project F480 – Queen Creek ADMP by \$113,000

This Agenda Item impacts all Supervisory Districts. (C-69-09-066-2-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

F-4. IGA WITH CITY OF SCOTTSDALE FOR UPPER CAMELBACK WASH DRAINAGE IMPROVEMENTS

Approve Intergovernmental Agreement (IGA) FCD 2009A006, Upper Camelback Wash Drainage Improvements (Project), between the City of Scottsdale (City) and the Flood Control District of Maricopa County (District). This IGA is for cost sharing of the design of the Project. The estimated total cost under this IGA is \$300,000 to be shared equally between the District and the City at \$150,000 each. This Agreement will become effective as of the date it has been executed by all parties. The IGA shall become effective when recorded at the office of the County Recorder and shall expire ten (10) years from the date of recording or upon Project completion, whichever comes first.

The City of Scottsdale (City) requested in the FY 2007/2008 Capital Improvement Program (CIP) Prioritization Procedure that the District participate in funding of the design and construction of the Project. The City's Storm Water Master Plan recommended

improvements to mitigate flooding hazards in the Upper Camelback Wash watershed. Hydraulic analysis of the existing drainage channels in the watershed shows the conveyance capacity of the existing system of open channels is limited to a 2-year event level in some areas, creating a flood hazard for an estimated 600 structures. The proposed Project will increase the existing system's capacity and in turn the level of protection for this watershed. This item impacts Supervisory District 2. (C-69-09-067-3-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

F-5. AGREEMENT WITH CITY OF GLENDALE FOR OPTION AND SALE OF EXCESS PROPERTY

Pursuant to A.R.S. §48-3603, approve an Agreement for Option and Sale of Excess Real Property between Flood Control District of Maricopa County and the City of Glendale to convey excess property to Glendale along New River Channel in the amount of \$3,894,430.00.

These properties were declared excess by the Board of Directors on February 20, 2008 (C-69-08-037-B-00). The properties (portions of APN's 142-60-005D, 142-60-005E and 142-60-005J) are all located:

1. South and west of 99th Avenue and Northern Avenue in Glendale on the east side of New River Channel.

The District utilizes its Disposition Program on all excess properties to evaluate them for the best potential of sale or leasing, depending on current market conditions and information. The property is located in Supervisor District 4. (C-69-09-068-8-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

F-6. AGREEMENT FOR SALE OF EXCESS PROPERTY AND SPECIAL WARRANTY DEEDS TO THE TOWN OF GOODYEAR

Pursuant to A.R.S. §48-3603, approve Agreement for Sale of Excess Real Property and Special Warranty Deeds to convey the property from the District to the Town of Goodyear in the total amount of \$1,567,000.

Authorize the District's Chief Engineer and General Manager to approve and sign the escrow documents due to the nature of this sale.

This property was declared excess by the Board of Directors on November 18, 2008, Agenda Item C-69-09-026-8-00. The parcel is located:

1. The parcel of land is located at the Northwest corner of Dysart Road and I-10, south of Cornerstone Boulevard in the Town of Goodyear, consisting of 12.3933 acres.

The District utilized its Disposition Program on all excess properties to evaluate them for the best potential of sales or leasing, depending on current market information. This item is located in Supervisorial District 5. (C-69-09-070-8-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

F-7. IGA WITH TOWN OF QUEEN CREEK FOR CLOUD ROAD AND SOSSAMAN ROAD BASIN AND OUTLET PROJECT

Approve Intergovernmental Agreement FCD 2009A003 for the Cloud Road and Sossaman Road Basin and Outlet (Project [#043]) between the Town of Queen Creek (Town) and the Flood Control District of Maricopa County (District). This IGA is for utility relocations and design of the basin and outlet. The total estimated cost share under the IGA is \$150,000, and will be shared equally with the District and Town each contributing \$75,000. The IGA shall become effective when recorded at the office of the County Recorder and shall expire 10 years from the date of recording or upon Project completion, whichever comes first.

Flooding hazards have historically threatened the area bounded approximately by Chandler Heights Road to the north, Power Road to the west, Sossaman Road to the east and Cloud Road to the south, and have caused flooding of property. A study conducted by the Town indicated insufficient drainage capacity in the area and recommended the implementation of the Project. The Project was authorized by Resolution FCD 2009R004, which was adopted by the Board of Directors on April 15, 2009 (C-69-09-057-6-00). This item impacts Supervisory District 1. (C-69-09-069-3-00)

Motion to approve by: Director Brock, Seconded by: Director Wilcox
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Library District convened in Formal Session at 9:00 AM on Wednesday, May 20, 2009, in the Supervisors Auditorium with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Andrew Kunasek, District 3; Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

L-1. DONATIONS

In accordance with County Policy A2805, accept the monthly donation report received from Library District for April 2009. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-412-7-00)

Motion to approve by: Director Kunasek, Seconded by: Director Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

81. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Kate Goodhart said that five weeks had gone by since she spoke at a Board meeting alleging criminal acts by a code enforcement agent and she has not been contacted. She asked what would be done about this charge.

82. Supervisors'/County Manager's summary of current events.

Supervisor Wilcox broached the topic of a hunger strike being carried out by some inmates at the County jails. She said she had asked David Smith to do a health and welfare check through Correctional Health to make sure prisoners with health conditions are not being adversely affected. She asked for Members to be given the report.

***** The Board of Supervisors will now consider Code Enforcement Reviews *****

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.

CODE ENFORCEMENT REVIEW

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Wayne J. Peck, Deputy County Attorney, came forward to present the following planning and zoning cases.

PZ-1. HUDSON - V200701254

This is the time for the review of the Hearing Officer's Order of Judgment in zoning Code Violation Case V200701254, Hudson (Supervisor District 4) (C-44-09-137-M-00)

Motion to continue this review to the June 17, 2009, meeting, by: Supervisor Brock,
Seconded by: Supervisor Kunasek
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

***** The Board of Supervisors will now consider matters related to Planning and Zoning *****

PLANNING AND ZONING AGENDA

REGULAR AGENDA

1. COMPREHENSIVE PLAN AMENDMENT - CUSTOM FARM SLAUGHTERHOUSE

Case Number: CPA200802
Supervisory District: 5
Applicant: Robert Gomez for Merced Herrera
Location: West side of 79th Avenue (alignment) and approx. one-half mile north of Baseline Road.
Request: Comprehensive Plan Amendment (CPA) to change the land use category from Rural Development Area (RDA) and Open Space to Industrial (approx. 8.0 ac.)
Commission Action: Approve by a vote of 6-0 subject to staff recommended stipulations 'a' - 'f'. (see note below)

Note: CPA case approval is by Resolution. **This item is continued from the May 6, 2009 meeting.**
(C-44-09-130-7-00)

Motion to continue to the June 17, 2009, meeting, by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

2. COMPREHENSIVE PLAN AMENDMENT: HASSAYAMPA WASTE TIRE RECYCLE FACILITY

Case Number: CPA2008113
Supervisory District: 5
Applicant: RBF Consulting
Location: Northeast corner of 331st Ave. and Salome Highway.
Request: Comprehensive Plan Amendment (CPA) to change the land use category from Rural (0-1 d.u./ac.) to Industrial, in the Old U.S. Highway 80 Area Plan. * See Notes below.
Commission Action: On May 7, 2009, the Commission voted to continue this item indefinitely at the request of the applicant. Since there is no Commission recommendation, the Board should continue the item indefinitely.

This item was continued from the April 15, 2009 meeting. (C-44-09-119-7-00)

Motion to continue indefinitely at the request of the applicant, by: Supervisor Wilcox, Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

3. SPECIAL USE PERMIT: HASSAYAMPA WASTE TIRE COLLECTION AND RECYCLING FACILITY

Case Number: Z2008119
Supervisory District: 5
Applicant: RBF Consulting
Location: Salome Hwy. approx. 1,951 ft. from the southwest corner of Salome Hwy. and 331st Ave. (in the Tonopah area)
Request: Special Use Permit (SUP) for an Interim Industrial Use in the Rural-43 zoning district – with 24-hour emergency vesting
Commission Action: On May 7, 2009, the Commission voted to continue this item indefinitely at the request of the applicant. Since there is no Commission recommendation, the Board should continue the item indefinitely.

This item was continued from the April 15, 2009 meeting. (C-44-09-122-7-00)

Motion to continue indefinitely at the request of the applicant, by: Supervisor Wilcox,
Seconded by: Supervisor Brock
Ayes: Kunasek, Brock, Wilcox, Wilson
Absent: Stapley

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 10:40 a.m.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board